

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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Byron Geovanny Arevalo Fajardo, Carlos Martell, Jose Gutierrez, Juan Pereyra, Iñigo Mendoza Ramirez (a/k/a Eduardo Mendoza Ramirez), Miguel Garrido, Reymundo Chavez Hernandez (a/k/a Ramon Chavez Hernandez), Richard Xavier Hernandez, and Sebastian Alfredo Espinosa Vargas (a/k/a Sebby Espinosa Vargas),  
*on behalf of themselves and others similarly situated in the proposed FLSA Collective Action,*

Case No.: 1:21-cv-5236

**AFFIDAVIT OF CARLOS  
MARTELL**

*Plaintiffs,*

*- against -*

WB Maintenance & Design Group Inc., W.B. & Son Construction Corp., Wladimir Briceno, Betty Briceno, Jeissy Briceno, and Jeimy Briceno,

*Defendants.*

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**STATE OF NEW YORK** )  
 ) **SS.:**  
**COUNTY OF QUEENS** )

**CARLOS MARTELL**, being duly sworn, deposes and says as follows:

1. I am an individual Plaintiff in in the above-captioned matter. As a result, I am familiar with the facts and circumstances discussed herein based upon personal knowledge.

2. I make this affidavit in support of Plaintiffs'<sup>1</sup> request for the entry of an emergency protective order pursuant to Federal Rule of Civil Procedure ("Fed.R.Civ.P.") 65, enjoining and restraining Defendants Wladimir Briceno, Betty Briceno, Jeissy Briceno, Jeimy Briceno,

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<sup>1</sup> The term "Plaintiffs" collectively refers to Plaintiffs Byron Geovanny Arevalo Fajardo ("Fajardo"), Carlos Martell ("Martell"), Jose Gutierrez ("Gutierrez"), Juan Pereyra ("Pereyra"), Iñigo Mendoza Ramirez (a/k/a Eduardo Mendoza Ramirez) ("Ramirez"), Miguel Garrido ("Garrido"), Reymundo Chavez Hernandez (a/k/a Ramon Chavez Hernandez) ("Chavez Hernandez"), Richard Xavier Hernandez ("Xavier Hernandez"), Sebastian Alfredo Espinosa Vargas (a/k/a Sebby Espinosa Vargas) ("Vargas"), Jairo Rivas ("Rivas"), Elias Ordonez ("Ordonez"), and George Palta ("Palta").

Alexander Briceno (collectively, the “Bricenos”), their employees, agents, representatives, attorneys, servants and all persons acting on their behalf from, *inter alia*, contacting, threatening, harassing, intimidating, following, and/or assaulting Plaintiffs.

3. Plaintiffs are twelve (12) former employees of Defendants’<sup>2</sup> maintenance and construction company, “W.B. Construction” a/k/a “Go Pro Construction”. Most of the Plaintiffs are long-term employees of “W.B. Construction” a/k/a “Go Pro Construction”, having worked between five (5) and eleven (11) years for the company.

4. Plaintiffs allege significant wage and hour violations under the FLSA and NYLL for, *inter alia*, unpaid minimum wages, overtime compensation, spread-of-hours, and violations of the notice and record keeping requirements of the New York Wage Theft Prevention Act.

5. The instant action was filed on September 20, 2021. Shortly after Defendants became aware of Plaintiffs’ lawsuit they initiated a campaign of threatening, harassing, intimidating and retaliating against Plaintiffs.

6. Shortly after they became aware of Plaintiffs’ lawsuit, Defendants threatened, and are continuing to threaten, to report certain Plaintiffs to the United States Immigration and Naturalization Service (“INS”).

7. Defendants verbal threats have now turned violent.

8. On or around the evening of December 2, 2021, at approximately 8:30 p.m., Alexander Briceno, Jeissy Briceno, and Jeissy Briceno’s husband violently attacked me.

9. The encounter took place at or near the “Turbo Laundry Limited” Laundromat located at 6201 Northern Blvd # C, Woodside, NY 11377.

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<sup>2</sup> The term “Defendants” collectively refers to Defendants WB Maintenance & Design Group Inc., W.B. & Son Construction Corp., Wladimir Briceno, Betty Briceno, Jeissy Briceno, and Jeimy Briceno.

10. During the encounter, Alexander Briceno threatened me that: “this is going to happen to everyone that signed that paper” [*i.e.*, the Plaintiffs that joined the lawsuit], and that he would be “going after [my] family now.”

11. During the encounter, Jeissy Briceno stated “this is what happens when you try to take my money.”

12. I witnessed Jeissy Briceno recording the violent encounter.

13. I have sustained injuries to his head, face and neck.

14. My coworkers and I now turn to this Honorable Court for the entry of an emergency protective order, enjoining and restraining the Bricenos from any further retaliation.

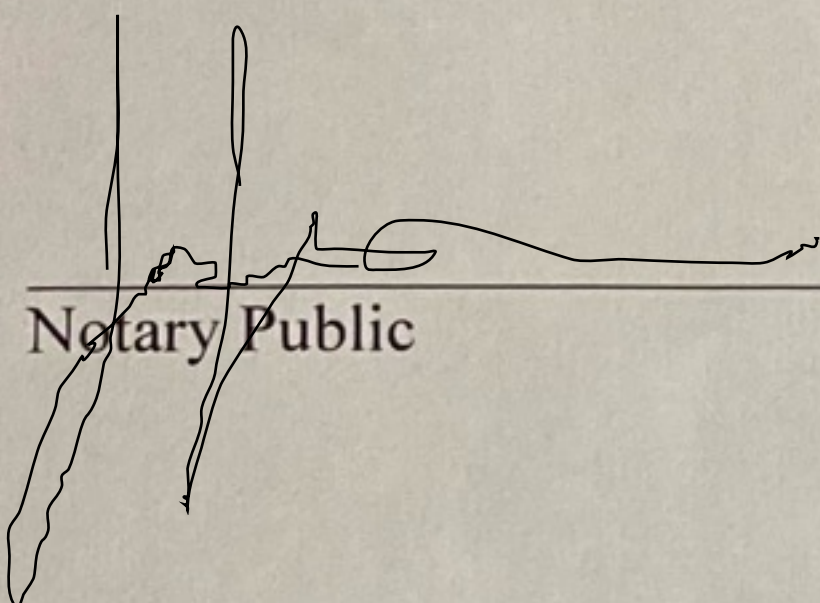
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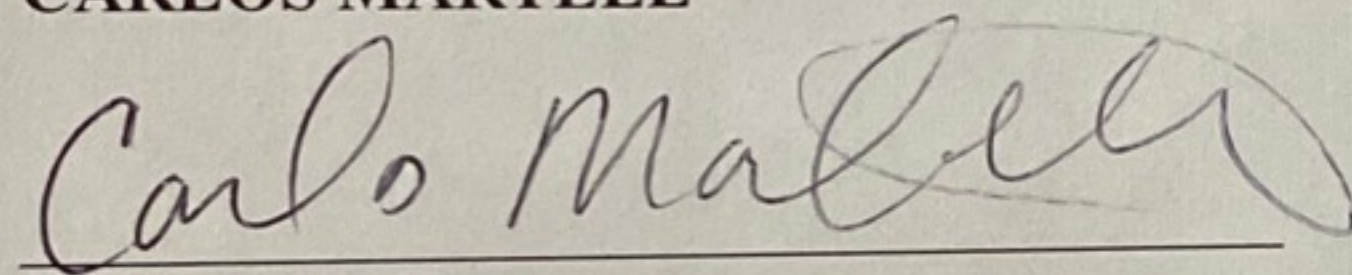
State of New York )  
 ) ss.:  
County of New York )

On the 5th day of December in the year 2021 before me, the undersigned, personally appeared Carlos Martell personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
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Notary Public

JASON MIZRAHI  
Notary Public, State of New York  
Registration #02MI636999  
Qualified in Queens County  
Commission Expires Sept. 5, 2025

**CARLOS MARTELL**

  
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Carlos Martell